



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/520,755

01/10/2005

Ralf Landgraf

18501

5061

272

7590

04/15/2008

SCULLY, SCOTT, MURPHY & PRESSER, P.C.

400 GARDEN CITY PLAZA

SUITE 300

GARDEN CITY, NY 11530

EXAMINER

BERMAN, JASON

ART UNIT

PAPER NUMBER

4132

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/520,755 | Applicant(s) LANDGRAF ET AL. | |
| | Examiner Jason M. Berman | Art Unit 4132 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/10/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 7/10/2002. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Claim Objections

2. Claims 6, 7, 11 and 16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependant claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits. Claims 8, 9, 10 and 12 depend from these claims and therefore are also objected to and have not been further treated on the merits.

3. Claim 13 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependant claim and cannot refer to subsequent claims. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits. Claims 14 and 15 depend from this claim and therefore are also objected to and have not been further treated on the merits.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 4132

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Belli (US 5,147,521, as cited in IDS).

As to claim 1, Belli discloses a target support assembly comprising

- A support sleeve on which is arranged a target lining that is formed by a target sleeve that is slide on to the support sleeve (Figure 1: showing target support 10, for target 12, which is to be slid into the support 14);
- At least one clamping element being arranged to be clampingly effective between the support sleeve and the target sleeve (Figure 8: showing support 14 and target sleeve 10, with element 44 as a clamping element between the support and target sleeves);
- A plurality of elastically active clamping elements are provided which are distributed around the circumference and are formed in each case by a spring (Figure 9: showing elastic clamping element 44; col 9 lines 61-65: element 44 is spring loaded plungers; Figure 1 showing apertures 42 of sleeve 10 arranged around the circumference, apertures 42 each filled with clamping element 44 as shown in Figure 9);
- Which are arranged in a recess in the internal cylindrical surface of the support sleeve in a captive manner on the part carrying them (Figure 9: showing clamping element 44 in aperture 42 of sleeve

10; col 9 lines 62-66: clamping element 44 is inserted into aperture 42); and

- And press elastically against the external cylindrical surface located opposite said clamping elements (Figure 8: showing clamping element 44 pressing against cylindrical surface of target 12).

As to claim 2, Belli discloses that the clamping elements have rounded insertion edges on both sides facing in the axial direction (Figure 9: showing clamping element 44 with end 46 which is rounded on all sides).

As to claim 3, Belli discloses that the clamping elements have in each case a clamping arm that exerts the clamping pressure with its free end portion (Figures 8 and 9: showing end 46 of clamping element 44 as exerting the clamping pressure between sleeve 10 and target 12).

As to claim 4, Belli discloses that an insertion segment is arranged at the free end of the clamping arm and forms a rounded roof-shaped element with the clamping arm (Figure 9: showing end 46 of tube 48 of clamping element 44, end 46 being rounded in shape).

As to claim 5, Belli discloses that the free end of the insertion segment is supported against the clamping stress in the clamping position (Figure 9; Col 4 lines 3-5: spring loaded ball 46 which can be moved into tube 48 and is resisted by a compression spring).

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Berman whose telephone number is (571)270-5265. The examiner can normally be reached on M-R 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Ward can be reached on (571)272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. B./
Examiner, Art Unit 4132

/Jessica L. Ward/
Supervisory Patent Examiner, Art Unit 4132